



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** HLJ Management Group, Inc.--Reconsideration

**File:** B-251912.4

**Date:** August 23, 1993

---

### DECISION

HLJ Management Group, Inc. requests reconsideration of our dismissal as untimely of its protest of the Army's award of a food services contract to Southfork Systems, Inc. under request for proposals (RFP) No. DABT15-92-R-0014.

We deny the request for reconsideration.

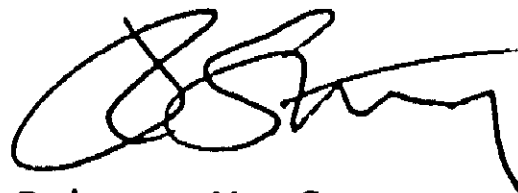
In its original protest, HLJ protested that the Army had failed to conduct adequate discussions and had evaluated competing proposals improperly, and that the award to Southfork was pursuant to a proposal that was technically equal to the protester's own proposal but was higher in price.

In its protest, HLJ advised that the Army had notified HLJ of its award decision on December 23, and that the protester had not requested a debriefing until February 12. It was during the debriefing that HLJ received the information that formed the basis of its protest. Although HLJ filed an agency-level protest within 10 working days of the date of the debriefing, and filed a protest with our Office within 10 working days of its receipt of the Army's denial of its protest, we dismissed the protest as untimely because we concluded that the protester's delay of approximately 8 weeks in seeking a debriefing represented a failure to diligently pursue the information forming the basis of the protest. See, e.g., Fugro Inter, Inc., E-219323, Oct. 2, 1985, 85-2 CPD ¶ 373; Foreign Exchange Serv.-Dulles, B-209017, Oct. 21, 1982, 82-2 CPD ¶ 356.

On reconsideration, for the first time, HLJ explains that the firm was unaware that it had any basis for protest when it initially was notified of the award; it was only at the debriefing, which HLJ requested in the ordinary course of business, that the protester discovered the facts upon which it based its protest. HLJ basically argues that it requested a debriefing for reasons wholly unrelated to the

protest process. Since the award notice indicated that Southfork had submitted a lower price than HLJ, HLJ states it had no reason to question the award. At the debriefing, it discovered its price was slightly lower than Southfork's and therefore its grounds of protest. HLJ argues it had no reason to ask for a debriefing sooner since it had no reason to question the award at a lower price that it submitted.

We need not address the issue of whether or not the protester's explanation for why it failed to request promptly a debriefing, makes its protest timely. In its original protest, it merely stated that it requested a debriefing to learn why it lost the award and did not offer any reason for the 8-week delay in requesting the debriefing. Our Bid Protest Regulations provide that a protester has an obligation to provide information establishing the timeliness of its protest when on its face, the protest otherwise appears untimely. 4 C.F.R. § 21.2(b) (1993). In other words, when a protest appears untimely on its face and is dismissed for this reason, a protester will not be permitted to introduce for the first time, in a reconsideration request, facts and information establishing its timeliness where the facts and information were in the protester's possession and could have been provided to our Office when the protest was filed. Contact Int'l Corp.-- Recon., B-246537.2, Feb. 5, 1992, 92-1 CPD ¶ 150. This is what HLJ seeks to do here. HLJ's protest appeared untimely on its face and HLJ could have, but did not provide in its protest, the information it believes makes its protest timely. Therefore, we decline to consider HLJ's request.



Robert M. Strong  
Associate General Counsel